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OFFICE OF PETITIONS

In re Application of
Seungbae Park
Application No. 10/519,389
Filed: December 23, 2004
Attorney Docket No. 114260-013

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: DECISION ON PETITION
: UNDER 37 CFR 1.313(c)(1)
:

This is a decision in response to the petition, filed September 24, 2008, which is being treated as a petition under 37 CFR 1.313(c) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner indicates that the issue fee was paid by mistake and requests that the application be withdrawn from issue. It is noted that the issue fee was owed and required by law at the time of payment. Therefore, payment was not made by mistake or in excess of that required as contemplated by 37 CFR 1.26.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The circumstances of the above-identified application do not fall within any of the exceptions noted above. Accordingly, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). Therefore, if petitioner can comply with the requirements of 37 CFR 1.313(c) and desires to file a renewed petition, it is recommended that the facsimile number listed below be used.

Further correspondence with respect to this matter should be addressed as follows:

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By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions